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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,822	11/04/2003	Elmer Algin Rose	88030096	6250
34637	7590	07/14/2004	EXAMINER	
BIDDLE & ASSOCIATES 6300 POWERS FERRY ROAD SUITE 600-183 ATLANTA, GA 30339			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,822	<b>Applicant(s)</b> ROSE, ELMER ALGIN	
	<b>Examiner</b> Ross N. Gushi	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The device as claimed being an audio control device or video control device, was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant merely states that the device may be an audio control device or video control device, but no disclosure is made as to how these devices would actually be configured so as to be usable with the yoke as disclosed. The limitations are given little weight.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

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(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims 1, 2, 3, 6, 9, 10, 11, 15, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Glader.

Per claim 1, Glader discloses an electrical device comprising a mounting yoke 13a for mounting said electrical device into an outlet box.

Per claim 2, yoke comprises a slotted mounting hole (that portion of the slot where the bolt B is located) for receiving a mounting screw B, and a channel leading into said slotted mounting hole (see figure 1, the portion of the hole visible on both sides of bolt B).

Per claim 3, mounting screw comprises an elongated post, a head 20 positioned at one end of the elongated post and a support rim 24 positioned along the elongated post at a predetermined distance from said head and in a plane that is substantially parallel to the plane in which said head lies.

Per claim 6, said channel comprises a substantially enclosed opening.

Per claim 9, said channel is generally circular in shape (see figure 1).

Per claim 10, said channel is configured so as to be large enough to accommodate the head of the mounting screw (note that applicant is not positively claiming the screw, and the channel is large enough to accommodate the head of some mounting screw of a particular size, possibly smaller than the bolt shown in Glader).

Per claim 11, the electrical device comprises a receptacle.

Claims 15, 16, and 19, are rejected for the reasons pertaining to claims 1, 2, 3, 6, 9, 10, 11

Claims are 1, 2, 3, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Slater et al. ("Slater"). Regarding claims 1, 2, 3, Slater discloses the device as claimed (see figures 1-4). Per claim 12, the device is a switch.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Eder. Per claim 17, Eder discloses an electrical device comprising a mounting yoke for mounting said electrical device into an outlet box; said mounting yoke comprises: slotted mounting hole 21 (see figure 2) for (i.e. capable of receiving) receiving a mounting screw; and score line 22 delineating a portion of the yoke that can be removed to form a channel that opens into said slotted mounting hole (where the portion of the slot remaining on the extension 16, 18, is capable of being used as the mounting hole).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glader in view Hubbell et al. ("Hubbell").

Regarding claims 4, 5, the Glader slot does not extend from the outer edge. Hubbell discloses a yoke where the slot 43 extends from an outer edge to the mounting

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hole (where the mounting hole is the portion of the slot occupied by the screw 3 when the yoke is attached to the box 2). At the time of the invention, it would have been obvious to configure the Glade slot as a slot opened to the outer edge of the yoke as taught in Hubbell. The suggestion or motivation for doing so would have been to simplify attachment of the yoke to the box as taught in Hubbell (col. 1, par. 2).

Per claim 7, said channel comprises two walls that are substantially parallel to each other.

Per claim 8, said channel comprises two walls that converge inward from an outer edge of said mounting yoke into said slotted mounting hole (see Hubbell figure 6, in particular note that inner portion 44 transitions to end portion 38 in a gradual and rounded manner, such that the bent transition portion joining portion 44 to end portion 38 forms a converging inner edge).

Claims 13-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glader as in claims 1, 2, 3, 6, 9, 10, 11, 15, 16, and 19 in view of Slater. Slater and Glader show a receptacle and a switch, but not other devices such as audio or video controls. At the time of the invention, it would have been obvious to substitute various devices for the receptacle or switch. The suggestion or motivation for doing so would have been to facilitate mounting of these devices, such motivation being well known in the art.


Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eder as in claims 17 in view of Slater. Eder discloses a receptacle. Slater shows a switch. At the time of the invention, it would have been obvious to substitute various devices for

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the receptacle, such as a switch as taught in Slater. The suggestion or motivation for doing so would have been to facilitate mounting of various devices, such motivation being well known in the art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

  
**ROSS GUSHI**  
**PRIMARY EXAMINER**